

AGENDA



Recommendation for Council Action

Austin City Council	Item ID	6900	Agenda Number	71.
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Meeting Date:	5/26/2011	Department:	Watershed Protection
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Subject

Approve an ordinance authorizing the acceptance of additional grant funds in the amount of \$755,679 from the Office of the Governor, Division of Emergency Management; and amending the 2010-2011 Watershed Protection Department Operating Budget Special Revenue Fund (Ordinance No. 20100913-002) to appropriate \$755,679 to the DR-1791-016 Hurricane Ike Hazard Mitigation Grant Program for the buyout and demolition of four additional single family houses in the floodplain of Williamson Creek near the intersection of West Gate Boulevard and Cherry Creek Drive. Up to \$755,679 is available in Federal Emergency Management Agency funding. Local matching funds are required to cover 25% of the program's cost.

Amount and Source of Funding

Funding is available through the Hurricane Ike HMGP grant program. The City will match this grant funding with \$251,893 of local matching funds, which are available in the Fiscal Year 2010 – 2011 Amended Capital Budget of the Watershed Protection Department.

Fiscal Note

A revised fiscal note is attached.

Purchasing Language:	
Prior Council Action:	<p>January 28, 2010 - Council approved the voluntary buyout of 21 single family houses in the floodplain of Williamson Creek near the intersection of West Gate Boulevard and Cherry Creek Drive in the amount of \$2,276,510 plus grant funding in the amount of \$3,829,530, for a total contract amount not to exceed \$6,106,040.</p> <p>July 29, 2010 – Council approved the voluntary buyout of four alternate properties noted above in the amount of \$1,671,872 and additional funding for the original 21 properties in the project area in an amount not to exceed \$1,600,000. At the time, Council authorized the expenses to be fully funded by the City.</p>
For More Information:	Mapi Vigil, 974-3384; Jorge Morales, 974-3345; Scott Lookabaugh, 974-7283
Boards and Commission Action:	
MBE / WBE:	
Related Items:	

Additional Backup Information

The floodplain of Williamson Creek, located near the intersection of West Gate Boulevard and Cherry Creek Drive, experienced serious flooding and was evacuated in October 1998 and November 2001. This area has been identified as a high priority area in the Watershed Protection Department (WPD) Masterplan. The likelihood that these same properties will flood again is 10% in any given year.

The WPD applied for federal funding under the DR-1791-016 Hurricane Ike Hazard Mitigation Grant Program (HMGP), overseen by Federal Emergency Management Agency (FEMA), for funding to purchase up to 25 properties in the area along Bayton Loop and Burrough Cove. At the time of the grant application, 21 property owners had signed voluntary participation letters. On October 7, 2009, FEMA approved \$3,829,528 in grant funding for the acquisition of 21 of the 25 properties. Since that time, four additional property owners have signed voluntary participation forms, and the WPD has requested additional HMGP grant funding to acquire the properties.

In a letter dated January 6, 2011, the City was informed it had received additional FEMA grant funding in the amount of \$573,182 to acquire and demolish three of the four properties. On March 18, 2011, FEMA approved an additional \$182,497 in grant funding to acquire and demolish the fourth and final property. The available FEMA grant funding for this project is currently \$4,585,207. The additional grant funding will offset some of the cost previously authorized by Council to purchase the four alternate properties with City funds.

This request will authorize the City Manager to accept the additional grant funding, enabling the WPD to proceed with acquisition and relocation activities required to obtain, by gift or negotiation, the necessary property interests for the purchase of the four homes identified within the Program area, provided the following criteria are met:

- The consideration paid by the City (excluding moving expenses and other relocation benefits) must be commensurate with the property's fair market value based on comparable sales identified in an appraisal of the property;
- The City must receive marketable title to the property, free of all liens;
- The physical condition of the property must not subject the City to unreasonable risk of liabilities or costs;
- Payment of relocation benefits and all other aspects of the acquisition must comply with all applicable statutory and regulatory requirements, federal and state grant or contractual requirements, and any other applicable legal requirements;
- There must be sufficient funds in the City budget for the acquisition;
- The properties in the Program will be acquired and all occupants will be relocated in accordance with the guidelines of 49 CFR Part 24 of the Uniform Relocation and Real Property Acquisition Act, as revised; and
- Authorization does not include the initiation of eminent domain proceedings.